



U.S. ENVIRONMENTAL PROTECTION AGENCY

Assistance Amendment

ASSISTANCE ID NO.

PRG

DOC ID

AMEND#

DATE OF AWARD

L

00T15401

- 1

07/22/2011

TYPE OF ACTION

Augmentation, Increase

MAILING DATE

07/29/2011

PAYMENT METHOD:

Advance

ACH#

90103

RECIPIENT TYPE:

Indian Tribe

Send Payment Request to:

Las Vegas Finance Center Fax (702) 798-2423

RECIPIENT:

PAYEE:

Washoe Tribe of NV & CA

919 Highway 395 South

Gardnerville, NV 89410

Washoe Tribe of NV & CA

919 Highway 395 South

Gardnerville, NV 89410

EIN: 88-0123754

PROJECT MANAGER

Marie Bany

619 Highway 395 South

Gardnerville, NV 89410

E-Mail: marie.bany@washoetribe.us

Phone: 775-265-8622

EPA PROJECT OFFICER

Mary Keil

75 Hawthorne Street, WST-7

San Francisco, CA 94105

E-Mail: Keil.Mary@epa.gov

Phone: 415-972-3365

EPA GRANT SPECIALIST

GwenL Brown

Grants Management Office, MTS-7

E-Mail: Brown.Gwenl@epa.gov

Phone: 415-972-2661

PROJECT TITLE AND EXPLANATION OF CHANGES

Tribal Leaking Underground Storage Tank Program - LUST Prevention

This project will provide support to the Washoe Tribe of Nevada and California in coalition with other Tribes in Nevada to develop a Tribal underground storage tank program to ensure compliance with Underground Storage Tank (UST) regulations and conduct inspections of underground storage tank facilities in Indian Country.

This amendment increases the federal funding amount by \$25,000 and extends the budget and project period end dates to 10/31/2012. The total revised federal funding amount is \$195,000.

BUDGET PERIOD

05/01/2009 - 10/31/2012

PROJECT PERIOD

09/01/2009 - 10/31/2012

TOTAL BUDGET PERIOD COST

\$195,000.00

TOTAL PROJECT PERIOD COST

\$195,000.00

NOTICE OF AWARD

Based on your application dated 05/03/2011, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$25,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$195,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.

ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

ORGANIZATION / ADDRESS

U.S. EPA, Region 9

Grants Management Office, MTS-7

75 Hawthorne Street

San Francisco, CA 94105

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

U.S. EPA, Region 9

Waste Management Division, WST-1

75 Hawthorne Street

San Francisco, CA 94105

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

SIGNATURE OF AWARD OFFICIAL

Digital signature applied by EPA Award Official

TYPED NAME AND TITLE

Carolyn Truong, Grants Management Officer

DATE

07/22/2011

AFFIRMATION OF AWARD

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Wanda Batchelor, Chairwoman

DATE

8/31/11

8/31/11

EPA Funding Information

L - 00T15401 - 1 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 170,000	\$ 25,000	\$ 195,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 170,000	\$ 25,000	\$ 195,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.804 - State Underground Storage Tanks Program	Consolidated Appropriations Act of 2008 P.L. 110-161 Department of Defense and Full-Year Continuing Appropriations Act 2011 (PL 112-10)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1109JR1063	11	F	09JA0D5	301DJ6E	4187	0900GAA		25,000
									25,000



U.S. ENVIRONMENTAL PROTECTION AGENCY

Assistance Amendment

GRANT NUMBER (FAIN): 00T15401

MODIFICATION NUMBER: 1

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Gardnerville, NV 89410

PROJECT MANAGER

Marie Barry
919 Highway 395 South
Gardnerville, NV 89410
E-Mail: marie.barry@washoetribe.us
Phone: 775-265-8682

EPA PROJECT OFFICER

Mary Keil
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ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)

ORGANIZATION / ADDRESS

U.S. EPA, Region 9
Grants Management Office, MTS-7
75 Hawthorne Street
San Francisco, CA 94105

AWARD APPROVAL OFFICE

ORGANIZATION / ADDRESS

U.S. EPA, Region 9
Waste Management Division, WST-1
75 Hawthorne Street
San Francisco, CA 94105

THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Digital signature applied by EPA Award Official Carolyn Truong - Grants Management Officer

DATE
07/22/2011

AFFIRMATION OF AWARD

BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION

SIGNATURE

TYPED NAME AND TITLE

Wanda Batchelor, Chairwoman

DATE
08/08/2011

L - 00T15401 - 1 Page 2

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									25,000

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$80,701
2. Fringe Benefits	\$38,005
3. Travel	\$10,755
4. Equipment	\$27,500
5. Supplies	\$4,194
6. Contractual	\$0
7. Construction	\$0
8. Other	\$15,822
9. Total Direct Charges	\$176,977
10. Indirect Costs: % Base <u>various rates apply</u>	\$18,023
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$195,000
12. Total Approved Assistance Amount	\$195,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$25,000
15. Total EPA Amount Awarded To Date	\$195,000

Administrative Conditions

L - 00T15401 - 1 Page 4

Administrative Conditions 1 and 8 have been revised; condition 2 no longer applies and conditions 14-17 have been added. All Other Administrative Conditions Remain the Same.

1. Federal Financial Report (SF 425)

The final Federal Financial Report (FFR) covering the entire project period shall be submitted within 90 days after the end of the project period according to 40 CFR Part 31.23(b) and 31.41(b). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Federal Financial Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.

For awards with cumulative project and budget periods greater than 12 months, an interim FFR covering the period from "project/budget period start date" to September 30 of each calendar year shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, no later than December 30 of the same calendar year.

8. Indirect Costs

The cost principles of 2 CFR Part 225 (OMB Circular A-87), "Cost Principles for State, Local, and Indian Tribal Governments," applies to this agreement.

If the recipient does not have a previously established indirect cost rate, the recipient must submit their indirect cost rate proposals to:

National Business Center
Indirect Cost Services
U.S. Department of the Interior
2180 Harvard Street, Suite 430
Sacramento, CA 95815-3317

For proposal preparation, the recipient may use the Native American Government checklists located at: <http://www.aqd.nbc.gov/services/ICS.aspx>

Recipients are entitled to reimbursement of indirect costs, subject to any statutory or regulatory administrative cost limitations, if they have a current rate agreement or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate throughout the life of the award. Recipients may draw down grant funds once a rate has been approved, but only for indirect costs incurred during the period specified in the rate agreement. Recipients are not entitled to indirect costs for any period in which the rate has expired.

Recipients with differences between provisional and final rates are not entitled to more than the award amount. Recipients may request EPA approval to rebudget funds from direct cost categories to the indirect cost category (to grants which have not expired or been closed out) to cover increased indirect costs.

Pursuant to 40 CFR 31.26, a recipient agrees to comply with the audit requirements prescribed in the Single Audit Act Amendments, and revised OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," including Subpart C Section 305(b) which addresses the restriction on auditors preparing indirect cost proposals.

14. FY2011 ACORN Funding Prohibition

Congress has prohibited EPA from using its FY 2011 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Recipients should direct any questions about this prohibition to their EPA Grants Management Office.

15. Reimbursement Limitation

EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

16. Management Fees

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

17. Trafficking in Persons

a. Provisions applicable to a recipient that is a private entity

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

- i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
- ii. Procure a commercial sex act during the period of time that the award is in effect; or
- iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

- i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
- ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our Agency at 2 CFR 1532.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

- 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
- 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

i. Associated with performance under this award; or

ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR 1532

c. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

- i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
- d. Definitions. For purposes of this award term:
- 1. "Employee" means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 - 2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - 3. "Private entity":
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - B. A for-profit organization.
 - 4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

Programmatic Conditions

Programmatic Conditions P1-P3 remain the same. P4 has been added. All Other Programmatic Conditions Remain the Same.

P4. EPA may terminate the assistance agreement for failure of the recipient to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the workplan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project.

END OF DOCUMENT